

The Counties Of Ireland :  
Their Origin, Constitution, and Gradual Delimitation

C. Litton Falkiner, M.A.

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The dominating influence upon the development of any given race or people of the main physical characteristics of the land in which their lot is cast has long been understood by historians ; and the effects produced on the history of the world, in modern times by the insular position of Great Britain, or in the world of the ancients by the peninsular position of Greece—are among the commonplaces of historical criticism. What is not so much a common-place is the extent of the influence exerted upon the domestic history of any community by the accidents of its early local history, and the degree in which archaic conditions of tribal division may survive in the modern organisation. For these divisions often continue for long centuries after their origin has passed into the partial oblivion of unexplained tradition, to mould the shape and form of a more advanced civilisation.

The application of this principle to the case of Ireland is direct and obvious. For the local history of Ireland is, as has been acutely observed, in a special degree the backbone and foundation of its general history. Owing to what may be described as the inorganic character of the social structure in the Ireland of the Middle Ages, to the absence of a strong central government or settled constitution, capable of giving to the country and the people the impress of its own uniformity, it is almost exclusively to clan or sept history, and to the history of the particular areas with which the septs were associated, that we must chiefly look if we would seek to realise the body politic of the Ireland of a not very remote past. If this statement should appear at all exaggerated, let it suffice to note two simple but striking illustrations. As late as the reign of Henry VIII., in a memorandum on the State of Ireland, which is among the most instructive documents in the Tudor State Papers, the names of the ‘ Irish regions,’ and not the territorial divisions to which we are accustomed, are the units employed by the writer to describe by far the greater portion of the country. [1] And in the Elizabethan Map of Ireland, drawn by Dean Nowel, in the third quarter of the sixteenth century, division by territories or ‘ chieferies,’ and not that by counties, is the method adopted. [2] For down to the reign of Philip and Mary, as Sir John Davies observes in the lucid paragraphs devoted to the history of the shiring of Ireland in his well-known work : — “ The provinces of Connaught and Ulster, and a good part of Leinster, were not reduced to shireground. And though Munster were anciently divided into counties, the people were so degenerate as no justice durst execute his commission among them.” [3] It is the main object of this Paper to indicate the process by which these large districts were gradually brought within the ambit of English administration, and by which the counties of Ireland, as we now know them, came to be formed.

“ The civil distribution of Ireland” to quote Bishop Reeves’s most valuable paper on ‘ The Townland Distribution of Ireland,’ in the descending scale, is into Provinces, Counties, Baronies, Parishes, and Townlands.” [4] But this highly convenient division of the surface of Ireland, as the bishop goes on to say, is characterised neither by unity of design nor by chronological order in its development. “ The provinces, subject to one suppression and some interchange of adjacent territories, represent a very ancient native partition which in the twelfth century was adopted for ecclesiastical purposes. The counties and baronies, though principally based on groupings of native lordships, are of Anglo-Norman origin, and range, in the date of their creation, from the reign of King John to that of James I. The parochial division is entirely borrowed from the Church, under which it was matured probably about the middle of the twelfth century ; while the townlands, the *infima* species, may reasonably be considered, at least in part, the earliest allotment in the scale.”

With the two last of these grades of classification we have nothing to do here. But a word must be said regarding the third. The baronial division does not indeed present any very difficult problem. For though it be not easy to account for the adoption of the term ‘ barony’ as signifying the division of a county, [5] seeing that it has no such meaning in the territorial classification of Great Britain, there is no doubt that in general the baronies were successively formed on the submission of the Irish chiefs,

the lands of each chieftain constituting a barony, and that they thus represent more nearly than any other unit the ancient tribal territories. The origin of the parochial system is much less easily traced ; and the relation between the diocesan areas and the provincial or county divisions is a subject which might well engage the attention of some of our ecclesiastical antiquaries.

The limits of the five kingdoms of what has been called the Irish Pentarchy, into which Ireland was anciently divided, correspond closely to those of the provincial divisions, as the latter were maintained down to the seventeenth century. They represent, as Dr. Reeves has pointed out, “ a very ancient native partition,” the adoption of which in the twelfth century, for ecclesiastical purposes, served to embalm a division of our island which, being based on no great natural boundaries, must otherwise have perished. The five provinces are shown separately as late as 1610 in Speed’s map. For it was not until late in the reign of James I. that Meath ceased to be generally reckoned a separate province. In popular usage it long retained its provincial identity ; and Boate, writing under the Commonwealth, mentions the province as but lately merged in Leinster. The Ulster of unsubdued Ireland was conterminous with the modern province of that name, save that it included Louth—a fact commemorated in the still existing incorporation of that county in the see of Armagh and the northern ecclesiastical province—and that it did not include Cavan. Ancient Munster differed from the modern only by including within its bounds the territory of Ely (the O’Carroll country), which, represented by two baronies of the King’s County, now forms a part of Leinster. Connaught included, in addition to its present territories, the county of Cavan, and a part of Longford ; while during the sixteenth century the earldom of Thomond or county of Clare oscillated, at the pleasure of successive deputies, between Munster and Connaught, giving to the latter, in the periods of its association with it, a predominance which the western province has long ceased to enjoy. Meath is substantially identical with the modern counties of Meath and Westmeath, and is practically conterminous with the diocese of Meath, though it seems to have also embraced a considerable portion of Longford ; while Leinster comprised the modern Leinster counties, less Louth, Meath, Westmeath, Longford, and the part of the King’s County specified above.

The first attempt at a division of Ireland into counties was, of course, subsequent to the Anglo-Norman conquest, and is commonly dated from the reign of King John. It is generally ascribed to the tenth year of that monarch’s reign ; but it does not appear that this ascription, though doubtless substantially correct, rests upon any extant documentary authority of ancient date. It has been adopted, however, by every writer. Sir John Davies’s account is as succinct and accurate as any other : ‘ True it is that King John made twelve shires in Leinster and Munster—namely, Dublin, Kildare, Meath, Urial or Louth, Catherlogh, Kilkenny, Wexford, Waterford, Cork, Limerick, Kerry, and Tipperary. Yet these counties did stretch no further than the lands of the English colonies did extend.’ Harris, in his additions to Ware’s account of the division of Ireland, [6] asserts and, indeed, elaborately argues, that the twelve counties attributed to King John were really of earlier origin, and were, in fact, part of an earlier division effected by Henry II. Without a division into shires and the appointment of sheriff, Henry’s grant to Ireland of the laws of England would, in his opinion, have been no better than a mockery : ‘ For without sheriffs, law would be a dead letter ; ’ and without a shire there could be no sheriff. That there were sheriffs in Henry’s reign Harris considers proved by the language of a patent to one Nicholas de Benchi, directed to all archbishops, bishops, *sheriffs*, &c. ; and that shires were known in Ireland prior to the tenth year of King John is shown by a patent of the seventh of that reign, in which the county of Waterford is distinguished from the city of that name. In further support of his thesis, Harris also argues that the division of Connaught into the two counties of Connaught and Roscommon is of earlier date than King John’s counties ; that, prior to the reign of Philip and Mary, Leix and Offaly were reckoned in Kildare, and other portions of the Queen’s County in Carlow ; and that there were unquestionably sheriffs of Down and Newtownards, of Carrickfergus and Antrim, and of Coleraine, long prior to the division of Ulster into counties under Elizabeth. But though he would be a bold antiquary who would venture to controvert a proposition maintained by the erudition of Ware, the authority of Ware’s laborious editor is hardly so formidable. It may at least be said that if the shiring of Ireland was really accomplished by Henry II., all substantial traces of that sovereign’s work have perished ; and the historian must be content to start with King John.

As has just been noted, there is no conclusive evidence now extant of the formation by King John of the twelve counties traditionally ascribed to him. And it is certain that though these divisions were probably known as separate geographical areas, they cannot in several instances, if in any, have

formed counties in the modern administrative sense till a date considerably later than King John's reign. [7] For it must be remembered that the earliest grants of territory by Henry II. were in the nature of counties palatine rather than of ordinary counties, though the term "palatine" nowhere occurs in any early instrument. And of the twelve counties imputed to King John, five formed part of the single liberty or palatine county of Leinster. In order to follow the process of the development of the Irish counties, it is essential to have regard to this fact and to the consequences flowing from it. It is therefore necessary to digress here to give a brief account of the origin of the institution of counties, and of the difference, in the extent and nature of their respective jurisdictions, between simple and palatine counties.

The name and office of Count were derived from the Court of Charlemagne, and the institution of counties in England is of earlier date than the Norman Conquest. [8] The creation of a count involved from the first a delegation of royal authority for legal and administrative purposes, and the ordinary county had two courts—the King's Court for criminal business, and the Earl's Court for civil causes. But the judicial officers and sheriffs were in all cases appointed by the Crown. Between a county palatine and an ordinary county the distinction was broad and well defined. According to Blackstone, 'counties palatine'—of which there were in England the three great examples of Chester, Durham, and Lancaster, besides the smaller ones of Hexham and Pembroke—are so called a *palatio*, because the owners of them had formerly in those counties *jura regalia* as fully as the King in his palace.' [9] The Earl of a county was Lord of all the land in his shire that was not Church land; and his jurisdiction was equivalent in all essential points to the jurisdiction of the King in an ordinary county. [10] The *jura regalia* included a royal jurisdiction and a royal seignory. By virtue of the first the Earl Palatine had the same high courts and officers of justice as the King; by virtue of the second he had the same royal services and escheats, and could even create barons, as was certainly done in Chester. Included in the power to appoint officers of justice was the appointment of the sheriff; and with the functions of the sheriff in the palatinate no King's sheriff might interfere. And, therefore, says Sir John Davies, "such county is merely [absolutely] disjoined and separated from the Crown, so that no King's writ runs there, except a writ of error, which being the last resort and appeal is excepted out of all their charters." [11]

The origin of these immense delegations of royal power was of course the inability of the Sovereign in early times to establish an efficient administrative system throughout his realm; and the same considerations which compelled resort to the palatine system in England by the early Norman kings, rendered necessary the application of an analogous method of administration in Ireland by Henry II. In the case of England, where the central authority was strong, the palatinates were limited to the march or border districts, as Chester on the Welsh, and Durham on the Scottish or Northumbrian borders. In the case of Ireland, the Crown having practically no authority in the interior of the island, the policy of Henry II. was to hand over the country to Strongbow and his followers, with powers practically co-extensive with the powers of the Crown, but subject to and excepting any grants of Church lands. Only the sea-coast towns and the territories immediately adjacent were reserved to the Sovereign. And it was in these latter districts only that for a long period the authority of the English kings had any direct force in Ireland.

Accordingly, as Sir John Davies, with his usual insight, observes, all Ireland was "cantonised" by Henry II. among persons of the English nation, who, "though they had not gained the possession of one-third part of the whole kingdom, yet in title they were owners and lords of all, so as nothing was left to be granted to the natives." Of these grants at least three—those of Leinster to Strongbow, of Meath to De Lacy, and of Ulster to De Courcy—were grants of royal jurisdiction equivalent to palatinates; and most probably all were intended to be such. It is clear at all events that the liberty of Leinster was confirmed by King John in right of Strongbow's daughter to William Marshal, Earl of Pembroke, and that, on the division of Leinster among the five co-heiresses of the latter, the five divisions of Carlow, Kilkenny, Wexford, Kildare, and Leix were regarded as separately enjoying, within their respective territories, the same palatine privileges which had appertained to the undivided liberty of Leinster. That Leinster was long considered as preserving its palatine privileges may be seen by the statute 25 Edward I., in which "the whole community of Leinster" is referred to as "lately but one liberty."

Of the remaining palatinates or liberties, Meath was divided between Matilda and Margaret, grand-

daughters of that Hugo de Lacy to whom its territories had originally been granted. Of these ladies Matilda married Walter de Greneville and Margaret John de Verdon. The moiety known as the liberty of Trim passed to the Crown through the marriage of a descendant of Matilda de Lacy with Mortimer, Earl of March ; while the second half, descending to the Talbots, Earls of Shrewsbury, was resumed by Henry VIII. under the Statute of Absentees. [12] Ulster, originally granted to De Courcy, was re-granted by John to the De Lacys, and descending through a daughter to the De Burghs, and thence to the Mortimers, ultimately became vested in the Crown in the person of Edward IV., as the descendant of Lionel, Duke of Clarence. Connaught, granted to the De Burghs, also passed technically with Ulster to the Crown ; though the rebellion of the younger branch of the Burkes, on the failure of heirs male of the elder, deprived the legal title of the Crown of all its effective force. The union of all these territories in the Crown of England is incidentally recognised in an Act of Parliament of Henry VII's reign, (10 Henry VII., c. 15), which, reciting that " the Earldoms of March, Ulster, the Lordships of Trim and Connaught, bin annexed to our sovereign lord the King's most noble Crown," makes provision for the better keeping of the records of those ancient dignities, the title to which had been jeopardised by the loss of the muniments. This Act expressly refers to "Richard, late Duke of York," as lord of Trim. [13]

The precise character of the jurisdiction conferred by King John on the early palatine counties of Ireland does not appear from any extant documents. If, however, as it seems reasonable to suppose, the later jurisdictions conferred by Edward III. were similar in their general scope, its nature may be gathered from the records of the palatinate of Tipperary. The process of *Quo Warranto* by which James I. resumed possession of Tipperary enumerates the courts and offices which existed at the beginning of the sixteenth century, and which, doubtless, represented in all essentials the palatine constitution of earlier times. [14] The jurisdiction, authorities, and liberties set out in the *Quo Warranto* of James I. were restored on the reconstitution of the palatinate in 1662 in favour of James, first Duke of Ormond, with the exception (which appears to have been a reservation common to all palatine grants) of the four pleas of arson, rape, forestalling, and treasure trove, as originally reserved in the grant of Edward III.

In tracing the position of the Irish counties through the obscure complexity of Irish administration under the Plantagenet kings, the only guide whom we may follow with any degree of confidence is the Sheriff. The whole machinery of local or county administration in Plantagenet times practically centred in the sheriff, who united the threefold functions of a civil officer in relation to the courts of law ; of returning officer in relation to the election of parliamentary representatives ; and of revenue collector in relation to the royal exchequer. Owing to the destruction in the reigns of the first two Edwards of most of the early records of the kingdom of Ireland, the materials available in regard to Plantagenet sheriff are unhappily meagre ; and the Act of Henry VII. just referred to indicates the paucity of the records of several of the greater earldoms. But a study of the Plea Rolls, Pipe Rolls, and Patent Rolls, as well as of the Plantagenet statutes, so far as these survive, is not wholly fruitless ; and the last-mentioned source is fairly rich in references to the functions and office of the sheriff. An examination of these sources establishes, at least negatively, the fact that from the time of King John to that of the Tudors no new county was formed, or if formed that it did not survive ; and that no Sheriff was created for any new district, with the single exception of the subdivision of the great territory of Connaught into the separate districts of Connaught and Roscommon. [15] It is impossible to say how much or how little of Connaught was intended to be included in Roscommon, or precisely when the division was made. But the separation is certainly as old as the thirteenth century, and Roscommon is among the counties and liberties [16] whose respective Sheriffs and Seneschals were directed by the Statute 25 Ed. I. (1296) to return to the " general parliament" held in Dublin in that year " two of the most honest and discreet knights of each county or liberty." This vagueness of the territorial divisions and of the shrievalties associated with them was not confined to the western province, but was characteristic of all the so-called counties of King John. And this was especially so in the case of the Leinster counties, whose south-western borders were probably in a state of continuous flux. Thus in 1297 a list of Coroners of Kildare shows that county to have included Offaly, Leix, and Arklow, and therefore to have extended far over its present borders into the modern counties of King's County, Queen's County, and Wicklow.

The broad distinction which was drawn between counties ordinary and counties palatine was reflected in the designation of the most important office in their respective jurisdictions. In the county

proper that officer is invariably styled sheriff ; but in the county palatine he is as uniformly referred to as “ the seneschal of the liberty.” The distinction is clearly marked in a mandate of Edward III. to the Treasury of Ireland, which directs that “ because the liberty of Carlow has been taken into the King’s hands,” [17] the writs of the King for execution should be directed to the sheriff of Carlow, in place of the late seneschal of that liberty.” [18] It appears, however, that a general jurisdiction lay in the sheriff of Dublin for districts not clearly belonging to a specific county or liberty, or wherever the seneschal of the latter should be found in default, as in the case of Kildare prior to the Statute of 25 Edward I. In 18 Edward II. precepts were issued to the sheriffs of Dublin and Meath to execute writs “ in spite of the liberties of Kildare and Louth” ; but this interference with the general principle of palatine independence was doubtless exceptional and probably due to the disorganisation resulting from the Bruce invasion. For so extensive were the privileges of the liberties that, though the King might and did appoint sheriffs within their limits, the authority of the royal officers extended only to the Church lands, whence they were known as sheriffs of the County of the Cross. Of such counties there must originally have been as many in Ireland as there were counties palatine [19] ; but with the gradual absorption of the palatinates in the Crown, either by inheritance, as in the case of Ulster, or by forfeiture, as in that of Wexford, they had all ceased to exist before the reign of Henry VIII., except the County of the Cross of Tipperary, which, being within the great Ormond palatinate, created by Edward III., survived till Stuart times.

Whatever the precise origin of the counties so generally ascribed to King John, there appears to be no doubt that the writs either of the king or of his palatines ran in all of them for a full century from John’s time, and that these counties represent the extent of the effective predominance of English power down to the invasion of Edward Bruce in 1315. Prior to that event some efforts seem to have been made to extend the counties to Ulster, and to define more accurately the limits of the Leinster counties. An Act of 25 Edward I. (1296), for the settlement of Ireland, enacted that “ henceforward there shall be a certain sheriff in Ulster, and that the sheriff of Dublin shall not intermeddle henceforth in Ulster.” Meath was declared to be a county by itself ; and Kildare, which had been regarded as a liberty of Dublin, was discharged from the jurisdiction of the Dublin sheriff, and given an independent position. But from the wars of the Bruce the English colony received a blow from which it did not recover until the Plantagenets had been replaced by the Tudors. The authority of the State, so far as it was effective in the interior of the island, was exerted through the three great earldoms of Ormond, Desmond, and Kildare, all of which date from the fourteenth century. The area under the direct control of the Crown was narrowed continually, until after a lapse of precisely two centuries more the boundaries of the English Pale had shrank to its lowest limits, and, in the quaint language of Stanyhurst, were “ cramped and crouched into an odd corner of the country named Fingal, with a parcel of the King’s land of Meath and the counties of Kildare and Louth.” Thus from the reign of Edward II. to that of Henry VIII. the extension of the Irish counties was politically impossible. [20]

That the shrinking of the English Pale had been accompanied by a parallel diminution of the interest in and knowledge of the country possessed by the English Sovereigns may be sufficiently inferred from the language used in 1537 in a “ Memorial for the Winning of Leinster,” addressed by the Irish to the English Council, which begins by reciting that “ Because the country called Leinster and the situation thereof is unknown to the King and his Council, it is to be understood that Leinster is the fifth part of Ireland.” [21] But from this period, nevertheless, may properly be dated the revival of English authority. In 1541 the resolution of the Sovereign himself to convert his long nominal lordship of Ireland into an effective supremacy, was shown by the Act constituting Henry VIII. King of Ireland ; and this was the prelude to the adoption of that policy of converting the chiefs of the Irish septs into the immediate feudatories of the Crown which led directly to the conversion of the lands without the Pale into districts cognisable by English law, and ultimately to their formation into modern counties. Little, indeed, was done under Henry VIII. towards defining the County boundaries, the only actual change in the map being the severance of Westmeath from Meath by a Statute of 34 Henry VIII. But though the proverb quoted by Sir John Davies continued to hold good during the reign of Henry VIII. , that “ whoso lives by west of the Barrow, lives west of the law,” the area of the anglicised districts steadily increased. The greater part of Leinster was in this and the succeeding reign gradually won back to what was called “ civility” ; till towards the close of Elizabeth’s reign the Pale was understood to extend through all Leinster, Meath, and Louth. [22]

The first step in this process of restoration, and the first real addition to the list of Irish counties made since King John's time, was the formation of the King's and Queen's Counties in the time of Philip and Mary. [23] The districts of Leix and Offaly, the territories of the powerful septs of the O'Moores and O'Connors, were, in that reign, reduced to subjection, during the Viceroyalty of the Earl of Sussex, who, in the words of Sir John Davies, "took a resolution to reduce all the rest of the Irish counties unreduced into several shires." Sussex was the first of the Tudor Deputies to acquire a really systematic personal acquaintance with the country he was sent to govern; and the accounts of his journeys through the provinces, [24] of which he made at least three, together with his reports to Mary and Elizabeth of the results of his observations, are among the most valuable of the State Papers of that age. Sussex proposed to divide Ireland into six parts, viz., Ulster, Connaught, Upper Munster, Nether Munster, Leinster, and Meath; and he enumerates in his Report the countries which these divisions respectively comprised. But though he appears to have been the first to conceive any large plan for an efficient administrative settlement of Ireland, he was recalled before he had had time to grapple effectively with that problem of the shiring of Ireland, which he saw lay at the root of all real administrative reform. But at least he made a beginning. It is worthy of remark, too, that Sussex is the only Deputy who, in addition to creating fresh counties, gave to his creations names not borrowed from the territories by which they were constituted. [25]

In 1556 there was passed the Statute 3 & 4 Philip & Mary, Cap. II., "whereby the King's and Queen's Majesties, and the heirs and successors of the Queen," were declared entitled to the countries of Leix, Slewmary, Irry, Glenmaliry, and Offaly, and provision was made for making these countries shire ground. After reciting that these countries had been subdued in the previous reigns, but had rebelled and been again reduced by the Queen's Deputy, Thomas Ratcliff Fitzwalter, Earl of Sussex, the Statute proceeds thus:—

"And for that neither of the said countries is known to be within the limits of any shires or counties of this realm, be it enacted that the King and Queen, and the heirs and successors of the Queen, shall have, hold, and possess for ever, as in the right of the Crown of England and Ireland, the said countries of Leix, Slewmary, Irry, Glenmaliry, and Offaly." A further section provided that "to the end that the same countries may be from henceforth the better conserved and kept in civil government, the new fort in Leix be from henceforth for ever called and named Maryborough, and the countries of Leix, Slewmary, Irry, and part of Glenmaliry, be one shire and county named the Queen's County"; and, similarly, that the new fort in Offaly should be named Philipstown, and the country of Offaly and part of Glenmaliry be called the King's County.

That the Government of the Earl of Sussex contemplated a further extension of the policy embodied in this Act appears from the Statute immediately succeeding it, [26] "to convert and turn divers and sundry waste grounds into shire ground." This Act provided for the appointment of Commissioners "to view, survey, and make inquiry of all the towns, villages, and waste grounds of the realm now being no shire grounds," with power to the Commissioners to erect such districts into counties. Nothing was done in this short reign, nor for some years afterwards, to give effect to this enactment. But widely as the general policy of Elizabeth differed from that of her predecessor, her attitude towards Ireland was in principle the same as Mary's. The Statute (11 Elizabeth, Cap. 9), "for turning of countries that be not yet shire grounds into shire grounds," substantially reenacted the earlier legislation. [27] And the task of giving effect to these provisions was confided by Elizabeth in great measure to the same statesmen who had devised them under Mary.

Though the actual delimitation of the counties was not finally settled until, in the reign of James I., it was accomplished by Sir Arthur Chichester with the assistance of Sir John Davies, the business of shiring Ireland, in the sense of formally naming and constituting the county divisions of Connaught, Ulster, and part of Leinster under their modern designations, was practically the work of the two last Tudor Sovereigns. Their policy was carried out by three statesmen of eminence—the Earl of Sussex, Sir Henry Sydney, and Sir John Perrot. And as in the case of the final measures taken in the reign of James I. to perfect the county system we have been provided by the chief agent of the work Sir John Davies, with a vivid description of the proceedings, so in the case of the earlier and tentative steps taken under Elizabeth, we have the advantage of an authentic narrative by one of the principal actors. The part played by the Earl of Sussex has just been noticed. Sussex was followed by the gifted and valiant Sir Henry Sydney. Not only has that ablest of Elizabethan Deputies left detailed accounts of

his progress through the provinces, but he has given in a memoir of his services in Ireland, drawn up in 1583, a striking statement of the Irish policy of Elizabeth in the first half of her reign, and a full summary of the proceedings taken by him to reduce the back-woods of Ireland to shire ground. The circumstances in which this memoir was written add to its intrinsic value the piquancy of an interesting historical association. For the occasion of the narrative was the then approaching marriage of the writer's son, Sir Philip Sidney, the chivalrous author of the "Arcadia," to the daughter of Sir Francis Walsingham, a lady whose fate it was to be successively the wife of Philip Sidney, of Robert Devereux, the unfortunate Earl of Essex, and of the third Earl of Clanricarde. The memoir was written primarily as an apology for Sydney's inability to make a sufficient settlement on his son. Sir Henry explained how his expenses as the representative of the Queen in Ireland, and the neglect of the Sovereign to relieve his impoverished fortune, had reduced him to a position of "biting necessity," which prevented him make such provision as he desired for his much-loved son. "Three times," wrote Sydney to Walsingham, "her Majesty hath sent me her Deputy into Ireland, and in every of the three times I sustained a great and violent rebellion, every one of which I subdued, and with honourable peace left the country in quiet. I returned from each of those deputations three thousand pounds worse than I went." [28]

Sydney's contribution to the formation of the Irish counties consisted in the main in the shiring of Connaught. In 1566, in the first of his three Viceroyalties, he took the first step in this undertaking by providing efficient and permanent means of communication between Dublin and the western province. "I gave order," he writes, "for the making of the bridge of Athlone, which I finished, a piece found serviceable; I am sure durable it is, and I think memorable." A few years later a bridge over the Suck at Ballinasloe, "being in the common passage to Galway," was constructed by Sir Nicholas Malby at Sydney's direction. This was the necessary preliminary to say effective assertion of English law in the remoter parts of the country. It was followed by the division of Connaught into four of the five counties of which it now consists, viz: — Sligo, Mayo, Galway, and Roscommon, with the addition of Clare. In his "orders to be observed by Sir Nicholas Malby for the better government of the province of Connaught," issued in 1579, Sydney's reasons for this arrangement are thus given: — "Also, we think it convenient that Connaught be restored to the ancient bounds, and that the Government thereof be under you, especially all the lands of Connaught and Thomond, being within the waters of Shannon, Lough Ree, and Lough Erne." In the same document suggestions are made for the appointment of "safe places for the keeping of the Assizes and Cessions." Sligo, Bures (Burrishoole), Roscommon, and Ballinasloe, are respectively designated as suitable county towns. [29]

Leitrim for the present was excluded. O'Rorke's country was not reduced to a county until Perret's time in 1583. But the country of the O'Ferralls, called the Annaly, and the territory of the O'Reillys, or East Breny, both of which, as already noted, were then reckoned in Connaught, were formed into the modern counties of Longford and Cavan. [30] East Breny was described at the time by Sir N. Bagnal as "a territory where never writ was current," and which it was almost sacrilege for any Governor of Ireland to look into. The precise allotment of these counties among the provinces seems to have been left open, for Sydney, as will appear in a moment, was solicitous lest Connaught, which he had already extended in another direction, should become disproportionately large.

The district of Thomond had always been reckoned a part of the southern province. Indeed, the name signified North Munster, and its people were a Munster people. But Munster was a troublesome responsibility in Sydney's time; and the Deputy, who was then forming the system of Presidencies by which for the next seventy years the provinces of Munster and Connaught were to be administered, desired to reduce its importance. [31] He therefore ignored this ancient division, and taking the Shannon as a natural boundary (the province, if we exclude Leitrim, being thus, as the author of the "Description of Ireland" has it, ("in manner an island")), he added this large territory to Connaught. "Thomond, a limb of Munster, I annexed to the President of Connaught by the name of the County of Clare," is Sydney's concise summary of this important transaction. [32] In his instructions to Malby, already quoted, the north part of the city of Limerick was suggested as the "shire town," "because a jury may be had there for the orderly trial of all country causes." But the President was directed to choose some apt place in Thomond; and Quin, Killaloe, and Ennis were suggested as suitable.

We may pause at this point to consider the subsequent administrative history of Thomond. It continued to be included, under its new designation of Clare, in the government of Connaught almost to the

end of Elizabeth's reign. It was then erected into an entirely distinct division, and governed as a distinct entity under a separate Commission, by Donagh, Henry, and Barnaby, successive Earls of Thomond. [33] In 1639, however, under Strafford's Government, it was arranged that on the death of the last-mentioned earls the territory should be re-annexed to Munster ; and though the ensuing disturbances delayed the fulfilment of this intention, the County of Clare was finally reunited to Munster at the Restoration.

But to revert to Sir Henry Sydney. If he was successful in his operations in the distant provinces of Connaught, he was less fortunate, not only in the north, where, indeed, the conditions were hardly ripe for such work, but in a district much nearer to the seat of his Government. It is certain that the County of Dublin was originally much larger than its present area indicates ; and it appears probable that it anciently extended from Skerries, in the north, to Arklow, in the south. It had been conterminous, in fact, as has been pointed out, with the ancient Scandinavian kingdom of Dublin—a territory still marked for us by the ecclesiastical division of the United Dioceses of Dublin and Glendalough. [34] But the Danish rulers of Dublin troubled themselves little about the interior of the country, [35] and it is doubtful whether at any time prior to Henry VIII. the wild septs of the Byrnes and Tooloes, whose incursions in the neighbourhood of the city Stanyhurst describes so graphically, had given even a nominal recognition to the Norman or English power. In the thirty-fourth year of that monarch's reign they are said to have petitioned the Lord Deputy and Council to make their county shire ground, and to call it the County of Wicklow, but nothing came of the proposal. [36] Be that as it may, the sway of these Wicklow chieftains was exercised without dispute down to Sydney's day right up to the near neighbourhood of Dublin, and the inhabitants were ever, as Davies observes, " thorns in the side of the Pale." Indeed, it may be said that the whole country South-west of Dublin, including large portions of Kildare, Carlow, and Wexford, as well as the modern Wicklow, long remained a rude " hinterland" into which law and order seldom penetrated. The State Papers are full of such entries as this of 1537—"Devices" for the ordering of the Kavanaghes, the Byres, Tooloes, and O'Mayles for such lands as they shall have within the County of Carlow and the marches of the same county, and also of the marches of the County Dublin,"—which plainly show the unsettled state of these districts. In 1578, however, a Commission issued under the Act of 11th Elizabeth and " the Birns' and Tooloes' country, with the Glens that lie by South and by East of the County of Dublin, was bounded out into a shire, to be named and called the County of Wicklow." [37] But though this Commission was carried out, and the boundaries of the counties defined by Sir William Drury, who succeeded Sydney as a Lord Justice, the troubles of Elizabeth's latter years in Munster and Ulster left little leisure to her Deputies to attend to the Wicklow septs. The Byrnes and Tooloes resumed their independence ; and in 1590, as Sir George Carew wrote, " those that dwell within sight of the smoke of Dublin" were not subject to the laws. [38] When Sir Arthur Chichester came to complete the work Sydney had begun a generation earlier, of " adding or reducing to a county certain, every bordering territory whereof doubt was made in what county the same should lie," [39] he found that the mountains and glens of Dublin were almost as far as ever from " civility," and contained such a multitude of untutored natives that it seemed strange that " so many souls should be nourished in these wild and barren mountains." The shiring of Wicklow was only finally accomplished in 1606, and it thus fell out that the county nearest to the metropolis was of all the last to be brought effectively within the scope of English government.

In connexion with this attempt towards the formation of the County Wicklow, Sydney had also a project for dividing Wexford into two shires, of which the northern part should be called Ferns. This county, severed by the Wicklow mountains from the metropolis, had, though less disturbed than its neighbours, been practically outside the Pale. [40] The southern part of it, indeed, according to a " Description of the Provinces of Ireland," written about the year 1580, was " civil," " that part contained within a river called Pill" (a name given to the estuary of the Bannow) being inhabited by " the ancientest gentleman descended of the first conquerors." But this district was connected with the capital by sea only, and the rest of the county was inaccessible. Sydney and Sir William Drury finding " that there were no sufficient and sure gentlemen to be sheriffs, nor freeholders to make a jury, for her Majesty," the project was let drop. Their successor, Sir John Perrot, had the same object in view, and in a report to Elizabeth, " how the natives of Ireland might with least charge be reclaimed from barbarism to a godly Government," [41] he gives a picturesque account of the condition of the south-eastern counties and the need which existed for providing a proper system of administration. " The Birnes, Tooloes, and Kavanagh must be reduced." They are " ready firebrands of rebellion to the O'Moores and O'Conors, and till they be brought under or extirped, Dublin, Kildare, Meath, West-

meath, and the King's and Queen's County cannot be clear either of them or of O'Moores or O'Conors, or of the incursions and spoils of the McGeoghegans, O'Molloys, and other Irish borderers." But though he stated the difficulty thus vigorously, Perrot, like Sydney, left Ireland without doing anything effective to remedy it. Sir Henry Sydney's last tenure of the office of Lord Deputy closed in 1578, and for the next few years the Desmond rebellion perforce put a stop to the work he had set himself to accomplish. It was not until the southern rising had been crushed that Sir John Perrot, who, in 1584, succeeded to the Irish Government, was able to resume the work. Though this statesman is best remembered in our history in connexion with the composition of Connaught, which was effected during his administration, it is in relation to Ulster that his proceedings have most interest in the present connexion. To Perrot belongs the honour of having divided the northern province into divisions substantially corresponding to its modern counties, though twenty years were to elapse before these divisions were generally recognised, or before they became effective portions of the administrative machinery of the country.

The story of the Anglo-Norman colonies of Ulster and the settlement of Lecale, the Ards, and Carrickfergus, has never been fully analysed, and to tell it is outside the purpose of this Paper. Here it must suffice to observe that the only counties in the modern sense of the term which can be recognised as existing in Ulster before the time of Elizabeth were Louth, which, as already noted, was anciently accounted part of that province, and the counties of Antrim and Down. The precise date at which the two last were constituted is unknown ; but it appears by the " Black Book of Christ Church" that they, or at least certain districts bearing these names, had existed prior to the reign of Edward II. From that time down to the settlement in Antrim of the McDonnells of the Isles, under Henry VIII., little is known of them ; but the two counties had been recognised as settled districts by Perrot's time, and as such were distinguished by that Deputy from the " unreformed" parts of Ulster. In 1675 Sir Henry Sydney had made a journey to Ulster with a view to dividing the province into shires, but had failed to effect anything—an effort which was referred to by Sir John Davies in his address as Speaker of the Irish Parliament in 1613 ; when, congratulating the Commons on the completeness of its representation, he observed, " How glad would Sir Henry Sydney have been to see this day, he that so much desired to reform Ulster, but never could perfectly perform it."

Perrot's contribution to the shiring of Ulster was little more than a settlement on paper of the boundaries of the new counties he desired to create. It is best described in the language of Sir John Davies : —" After him [Sydney] Sir John Perrot . . . reduced the unreformed parts of Ulster into seven shires, namely, Armagh, Monaghan, Tyrone, Coleraine, Donegal, Fermanagh, and Cavan, though in his time the law was never executed in these new counties by any Sheriff or Justices of Assize ; but the people left to be ruled still by their own barbarous lords and laws." Perrot's work was of course interrupted, and for the time rendered nugatory, by the rising of Hugh O'Neill ; but it was so far effective that his division became the basis of the subsequent allocation of the northern territories, which a few years later followed the Flight of the Earls and the Plantation of Ulster.

Had affairs in England permitted the Government to bestow steady and continuous attention on the affairs of Ireland, it is probable that the work initiated by Sussex and Sydney, and so largely extended by Sir John Perrot, would have been completed before the close of Elizabeth's reign. But Perrot was recalled in 1588, and the business of shiring Ireland was arrested for nearly twenty years. With O'Neill taking full advantage of the difficulties in which England was involved by the struggle with Spain, and asserting his power effectively throughout Ulster, the sub-division of the northern province remained purely nominal, and even in the more settled districts much confusion reigned. The result is seen in the discrepancies which appear between the various accounts which remain to us of the division of Ireland at this time. These exhibit considerable confusion, not only as to the counties of which each province was made up, but even as to the provinces themselves. Thus Haynes, in his " Description of Ireland," in 1598, states that Ireland is divided into five parts. He includes Meath among the provinces, mentioning it as containing four counties, viz.. East Meath, Westmeath, Longford, and Cavan, though he adds that the last is by some " esteemed part of Ulster." On the other hand, in a survey printed in the Carew Calendar,[42] revised to the year 1602, Longford is included in Connaught, while Cavan is not mentioned, and the completeness of the relapse of Ulster from " civility" is shown by the description of that province as containing three counties and four " Seignories."

Thus it was not until after the accession of James I, in the time of Sir Arthur Chichester, that, in the words of Sir John Davies, “ the whole realm being divided into shires, every bordering territory whereof doubt was made in what county the same should lie was added or reduced to a county certain.” The boundaries of the counties forming the provinces of Connaught and Ulster were ascertained one after another by a series of Inquisitions between the years 1606 and 1610, which confirmed in the main the arrangements tentatively made by Perrot, though in the case of Ulster these were necessarily varied in some important respects, particularly as regards Londonderry, by the changes resulting from the Flight of the Earls and the Plantation of the northern province. The enumeration of counties and provinces in Speed’s “ Description of the Kingdom of Ireland,” in 1610, shows, as already noted, that in that year the precise allocation of counties among the provinces still remained vague and indeterminate in the popular estimation. But Meath had by that time finally disappeared from the list of provinces ; and though some years were to elapse ere all the counties could be finally delimited, this process had been practically completed when Sir John Davies left Ireland in 1616, except in the case of Tipperary, where the exceptional conditions created by the existence of the Ormond Palatinate long retarded the final settlement.

Although Munster is of all the great divisions that which, if compared with the original distribution imputed to King John, shows the least alteration in its county system, the southern province has not been without its vicissitudes in this respect. In Perrot’s time Munster consisted of as many as eight counties, and the final settlement of the six counties now embraced in it was, in fact, delayed until after the other provinces had assumed their present form. The shiring of Munster was effected chiefly through the instrumentality of the provincial government known as the Presidency of Munster, which was established by Sydney in 1570. No single act of Elizabethan policy had more important or more satisfactory results than the institution of the Presidencies of Munster and Connaught ; and as the gradual demarcation of the counties of both provinces as they now exist was largely effected by their means, it seems desirable to give a brief account of an institution which was devised by Sydney, as Davies puts it, “ to inure and acquaint the people of Munster and Connaught again with English Government.”

The first idea of these instruments of administration was formed in the time of Edward VI., when a scheme was devised for the appointment of separate Presidents for each of the three provinces of Munster, Connaught, and Ulster. But although Sussex had a clearly defined scheme for giving effect to this policy, it was not until Sir Henry Sydney’s first administration that, in 1565, definite shape was given to it, or that the constitution of what for the next century were known as the Presidency Courts of Connaught and Munster was formally drafted. The Presidency not only included a President answerable to the Lord Deputy, but a Council composed of prelates and nobles of the province, and a Chief Justice with two Justices and an Attorney-General, together with a Treasurer, Clerk of the Council, and other administrative officers. In 1568 Sir John Pollard was nominated first President of Munster, and in the year following Sir Edward Fitton became President of Connaught. No President was appointed for Ulster, the charge of which was confided, under a temporary Commission, to a marshal, an officer whose duties were half-civil, half-military. Pollard, however, never entered on his Government, and the first acting President of Munster was Sir John Perrot, who, appointed in 1570, was for six years a strenuous representative of the Crown in that province.

It is a matter of great regret that the records of these Presidencies have long since perished. [43] They seem to have been lost in the troubled times succeeding the rebellion of 1641, and the Presidential institution itself did not long survive that cataclysm. Though they lingered beyond the Restoration, the Presidencies were not regarded by the Duke of Ormond as necessary or efficient instruments of government ; and in 1672, during the Viceroyalty of Lord Essex, they were finally abolished. But though the Presidency system was not destined to remain a permanent feature in the administrative system of Ireland, its operation during the years first following its institution was unquestionably effective. In Perrot’s hands, both as President of Munster, and later when as Deputy he became responsible for the whole country, it was largely utilized to effect what was practically a fresh delimitation of the old counties of Munster. In an old “ note,” probably dating back to the fifteenth century, quoted by Perrot in his Report to Elizabeth, already cited, the Munster counties are thus enumerated : “ In Munster there be five English shires—Cork, Limerick, Waterford, Kerry, Tipperary ; and three Irish shires —Desmond, Ormond, and Thomond.” It will be noted that the five former of these counties with Thomond or Clare nominally make up the modern province of Munster. Ormond represents

Tipperary less the County of Cross Tipperary, and as such still possesses a well-defined meaning. Desmond is a district perhaps less clearly defined in the popular mind. It embraced a large portion of East Kerry and West Cork, and at one time was actually erected into a separate county. In 1571 a Commission issued to Sir John Perrot and others, under the Statute 11 Eliz., [44] for the counties of Waterford, Tipperary, Cork, Limerick, and Kerry, and the countries of Desmond, Bantry, and Carbery, and all countries south of the Shannon in Munster, to make the country of Desmond one county, and to divide the rest into such counties as may be convenient." As a result of this Commission, Desmond became and was long regarded as a distinct county, and its boundaries appear from an Inquisition of 1606. But though Fynes Moryson places Desmond on the list of the Munster counties, stating it to have been lately added, its separate identity is not invariably recognised, though for a time it boasted that essential note of independence, a separate sheriff. This, however, had disappeared before the close of Elizabeth's reign, for Haynes writes in his account of Cork that that county, [45] ' being the greatest in the realm, have been tolerated to have two sheriffs—the one particular in Desmond, the other in the rest of the county—and this without any ground of law, but by discretion of the L. Deputies ; the inconvenience thereof being espied, it had been of late thought good that one sheriff should be for Kerry and Desmond, and so two sheriffs in one county against law taken away.' The amalgamation with Kerry appears to have been completed by 1606 [46] when Mr. Justice Walshe, in describing to Salisbury the Munster Circuit of that year, mentions particularly the successful union of Desmond and Kerry.

The dual representation of Tipperary in the list of Irish counties was long a puzzle to antiquaries, and even an inquirer so diligent and in general so accurate as Sir John Davies was misinformed on the subject, notwithstanding the minute inquiries he appears to have instituted into the origin of what struck him as a curious administrative anomaly. " At Cashel," he writes in his account of the Munster Circuit of 1606, [47] " we held the Sessions for the County of the Cross. It hath been anciently called ' the Cross' (for it had been a county above 300 years ; and was, indeed, one of the first that ever was made in this Kingdom) because all the lands within the precincts thereof were either the demesnes of the Archbishop of Cashel, or holden of that See, or else belonging to Abbeys or houses of religion, and so the land as it were dedicated to the Cross of Christ. The scope or latitude of this county, though it were never great, yet now is drawn into so narrow a compass that it doth not deserve the name of shire."

Davies' confusion as to the two counties of Tipperary, which continued to be separately represented down to Strafford's Parliament of 1634, was extremely natural in view of the limited information available when he thus accounted for the anomalous existence of the County of Cross Tipperary. But, in fact, the duplication had really originated in the Palatine system. To the accident which preserved Tipperary as the last of the Palatinates was due the survival of Cross Tipperary as the last of the counties of the Cross ; and it will be convenient here to trace the history of both jurisdictions. The County Palatine of Tipperary was originally created by letters patent, granted in 1328 by Edward III. to James le Botiller, Earl of Ormond, and confirmed by successive monarchs to that nobleman's successors in the honours of the Butler family. The jurisdiction thus granted embraced the whole County of Tipperary, with the exception of certain Church lands, which constituted, as was usual with Church land in Palatine counties, a distinct shrievalty under the ordinary jurisdiction of the King's Courts. In addition to these districts of the Cross, there was also excepted from the Palatine grant the district of Dough Arra, or MacBrien's country, adjacent to Killaloe, which, long a debatable land on the borders of the three counties of Clare, Limerick, and Tipperary, was in 1606 joined by Chichester to the County of the Cross of Tipperary.

In 1621, during the wardship of the daughter and heiress of Thomas, tenth Earl of Ormond, the Palatinate of Tipperary was seized into the Crown by James I. The County of the Cross apparently remained unaffected by this exertion of the Royal prerogative and, as already noted, it was represented in the Parliament of 1634, though the county proper appears to have returned no members to that assembly. The Palatinate remained in abeyance for a period of forty years, till after the Restoration it was reconstituted by Charles II. in 1664, in favour of the first Duke of Ormond. The grant on this occasion included both the old territory of the Cross, which never thereafter returned members to Parliament, and the district of Dough Arra, formerly excepted from the Palatine county. The liberties and royalties of the whole County of Tipperary were enjoyed by the Butlers until the attainder in 1715 of the second Duke put an end to the last Irish example of these great medieval jurisdictions. [48] The

Statute 2nd George I., cap. 8, “ an Act for extinguishing the royalties and liberties of the County of Tipperary,” by its second section enacted, “ that whatsoever hath been denominate or called Tipperary or Cross Tipperary, shall henceforth be and remain one county for ever, under the name of the County of Tipperary.”

[No attempt is made here to discuss the origin of the names of the Irish counties. This may form the subject of a separate inquiry.

The writer desires to express his obligations to the courteous officials of the Irish Record Office, and especially to the Assistant Deputy Keeper, Mr. H. F. Berry, m.r.i.a. He has also to thank Mr. Temson Groves, c.e., for many useful suggestions. — C. L. F.]

- [1] “ Who list make surmise to the King for the reformation of his land of Ireland, it is necessary to show him the estate of all the noble folk of the same, as well of the King’s subjects and English rebels, as of the Irish enemies. And first of all to make his Grace understand that there may be more than 60 countries, called regions in Ireland, inhabited with the King’s Irish enemies ; some regions as big as a shire, some more, some less, unto a little ; some as big as half a shire and some a little less ; where reigneth more than 60 chief captains . . . that liveth only by the sword and obeyeth to no other temporal persons, but only to himself that is strong . . . also there is no folk daily subject to the King’s laws but half the county of Uriel, half the county of Meath, half the county of Dublin, and half the county of Kildare.” — “ The State of Ireland and Plan for its Reformation.” “ State Papers of Henry VIII.,” vol ii. part iii. p. 1:.
- [2] Copy of an ancient map in the British Museum by Laurence Nowel, Dean of Lichfield, ob. 1576. Printed by the Ordnance Survey Department.
- [3] “ Discovery of the True causes why Ireland was never entirely subdued,” &c.
- [4] “ Proceedings of the Royal Irish Academy, vii. p. 473.
- [5] “ The cause of the difference in name between the Irish baronies and English hundreds has been thus accounted for : When the kingdom of Meath was granted to the elder De Lacy, shortly after the arrival of the English, he portioned it out among his inferior barons, to hold under him by feudal service, and hence their estates naturally took the name of baronies, which gradually extended itself to similar subdivisions of other counties.”  
Hardiman’s “ Notes to the Statute of Kilkenny,” in Tracts relating to Ireland, ii. p. 108.
- [6] “ Antiquities of Ireland.” Chap. v.
- [7] See Hardiman’s “ Notes to the Statute of Kilkenny” in “ Tracts relating to Ireland,” ii. p.102.
- [8] Selden’s “Titles of Honour, p. 694.”
- [9] Stephen’s Blackstone, i. p. 131.
- [10] Stubbs’s Constitutional History, i. p. 363.
- [11] Sir J. Davies’s “ Reports des cases et matters en Ley,” Le Case del Countie Palatine de Weixford, p. 62.
- [12] Stat. 28 Henry VIII. cap. iii.
- [13] Selden, in his “ Titles of Honour” (third edition, p. 694), has a reference to the use of the name and office of Palatine Earl in Ireland, which seems to state the facts with great accuracy : —  
“ The title of local Earl Palatine, as well as of other Earls, occurs in the Records of that Kingdom. But I do not believe that any man was ever created into the title of Count Palatine there, or the County expressly made a County Palatine by Patent ; but as in other countries, so here, the enjoying of the title of earl (and sometimes of lord), together with a territory annexed to that title, wherein all royal jurisdiction might he exercised, was the original whence in speech and writing the title of Earl Palatine or Count Palatine grew.” This was written in 1614 ; and it is noteworthy that Selden’s view as to the title of Palatine is confirmed by the Patent of Charles II. to the Duke of Ormond in 1660 for the County Tipperary. Tipperary was an undoubted Palatinate ; yet neither the Patent nor the Act of 2 (George I., cap. 8, by which it was revoked, contains the term “ Palatine” ; but they speak only of the *regalities and liberties* of Tipperary.  
The extent and character of the privileges of a county palatine or liberty of England appear by the Charter of Edward III. to John of Ghaunt for the Palatinate of Lancaster — a dignity which, owing to the prudent sagacity of Henry IV., has been preserved in its ancient independence and prerogatives almost down to the present day. Anxious that the hereditary honours of his dukedom should be secured to him, even should fortune deprive him of a usurped crown, Henry, on attain-

ing to the throne, had an Act passed providing that the duchy of Lancaster should remain in himself and his heirs in like manner as though he had never acceded to the royal dignity.

[14] The following are among the more important of the privileges vested in the Earls of Ormond within their palatinate : —

1. To have and to hold within the county of Tipperary one *Curia Cancellariae*, commonly called a Chancery Court, and to make, appoint, and constitute one *Cancellarius*, or officer of the same Court, commonly called a Chancellor, which Chancellor, under colour of such his office, makes and causes to be made all kinds of original writs and other processes in all actions, as well real as personal and mixed, within the aforesaid county arising, occurring, or happening.

2. And also to have and to hold within the aforesaid county one other Court of Pleas of the Crown of the said Lord the now King, and to make, appoint, and constitute one other officer or Seneschallus, commonly called a Seneschal, and one other officer or Justiciarius, commonly called a Justice, to hold Pleas of the Crown of the said Lord the King.

3. And also to have and to hold within the aforesaid county one other Court of Common Pleas held before the aforesaid Seneschal and Justice.

4. And also yearly to nominate, appoint, make, and constitute in the same county one other officer, viz., one *Viccoames* commonly called a Sheriff, for the custody of the same county, which sheriff makes execution of all writs, &c, issuing and directed to the same sheriff from the four courts of the said Lord the King held at the King's Courts in the county of the City of Dublin also from the Justices assigned ... to take the assizes in the county of Tipperary aforesaid, as well as from the aforesaid Chancellor, Justice, and Seneschal in the same county. . . . And he holds in the same county divers Courts of *Turn Leet*, and *Curiae Comitatus*, called County Courts. . . .

5. And moreover to have and appropriate to themselves the power of granting charters of Pardon, and *ad pardonandum Anglicè*, to pardon — whatsoever persons are suspected, accused, convicted, outlawed, condemned, or attainted of any felonies and treasons, by them within the aforesaid county in any wise done, committed, or perpetrated. . . . And further to do and execute within the afore-said county all other things whatsoever which appertain to any Earl of any County Palatine to be done or executed.

6. And also to make, appoint, and constitute in the aforesaid county Tipperary divers other officers, viz., one or more Coroners, and one Escheator and one Feodary, and one Clerk of the Markets. . . . and one Sub-vicecomes, commonly called a Sub-sheriff.

—Fifth Report of the Deputy Keeper of the Public Records of Ireland, pp. 34-36.

[15] See Hardiman's "Statute of Kilkenny" p. 106.

[16] The following is the enumeration in the Statute : — "Likewise the Sheriff of Dublin, Louth, Kildare, Waterford, Tipperary, Cork, Limerick, Kerry, Connaught, and Roscommon ; and also the Seneschals of the liberties of Meath, Weysford, Katherlagh, Kilkenny, and Ulster. "See Betham's Feudal Dignities," p. 262.

[17] This had been done by virtue of Edward III.'s arbitrary but temporary revocation of all franchises, liberties, and grants formerly made in the Kingdom of Ireland — a measure doubtless intended primarily as an answer to the renunciation by the Bourkes of Connaught of their allegiance to the Crown, and to the general disorganisation which followed the wars of the Bruces.

[18] Close Roll, 17 & 18 Edward III.

[19] In the list of Proffers and Fines of Sheriffs & Seneschals in the time of Edward III., Sheriffs of the Cross are mentioned for the Crosses of Kilkenny, Tipperary, Carlow, Wexford, Kerry, Kildare, Meath, and Ulster.

[20] The Pale at this period is thus described in the State Paper of Henry VIII. already referred to : — "Also the English Pale doth stretch and extend from the town of Dundalk to the town of Derver, to the town of Ardee, alway on the left side leaving the march on the right side, and so to the town of Sydan, to the town of Kenlys, (a) to the town of Dangle, (b) to Kilcock, to the town of Clane, to the town of Naas, to the bridge of Cucullyn, (c) to the town of Ballymore, (d) and so backward to the town of Ramore, (e) and to the town of Rathcoole, to the town of Tallaght, to the town of Dalkey, leaving alway the march on the right hand from the said Dundalk following the said course to the said town of Dalkey." \*

(a) Kells. (b) Dangan. (c) Kilcullen. (d) Ballymore-Eustace. (e) Rathmore.

\* "State Papers," Henry VIII., vol. ii., part iii., p. 22.

[21] "State Papers Henry VIII.," vol. ii., Part iii.

[22] See "A Perambulation of Leinster, Meath, and Louth, of which consist the English Pale" in 1596.

[23] "Carew Cal.," iii., p. 188.

[24] See "Calendar of Carew Papers, I." pp. 257, 265, 274, 330, 352

[25] The case of Londonderry is an exception to this statement more apparent than real. In its first

form, the County of Londonderry was known as Coleraine, taking its name from the well-known town of that name.

- [26] 3 and 4 Philip and Mary, Cap. III.
- [27] The preamble to both Statutes is worth quoting as showing the principle on which this policy of shiring was based :— “ Whereas divers and sundry robberies, murders, felonies, and other heinous offences be daily committed and done within the sundry countries, territories, cantreds, towns, and villages of this realm being no shire ground, to the great loss both of the Queen property and of divers and sundry her Highness true subjects of this realm, and to the boldening and encouraging of many offenders. Be it enacted,” &c.
- [28] The account of Sydney’s provincial journeys have been printed in the Ulster Archæological Society’s Journal, vol. iii., *et seq.*
- [29] See O’Flaherty’s “ West Connaught,” ed. Hardiman, p. 305.
- [30] Sussex appears to have designed to add Cavan to Leinster rather than Ulster, “ O’Reilly,” he writes, “ bordering upon Meath, and lying by situation of his country unfit for any of the other Governments, is to be under the order of the principal governor.” Carew Calendar, i, 338.
- [31] “ Reasons for retaining Thomond in Connaught.” Carew Calendar, iv., p. 471
- [32] Collins’s Sydney Papers, i., 75.
- [33] Liber Munerum Hiberniæ, Part II., p. 185.
- [34] Haliday’s “ Scandinavian Kingdom of Dublin,” pp. 139 and 246.
- [35] Stokes’s “ Ireland and the Celtic Church,” p. 277.
- [36] Book of Howth, p. 254.
- [37] Fitnt of Elixabeth, No. 3,603, Iriah Becord Offico.
- [38] Carew Cal., iii., p. 44.
- [39] Sir J. Davies’s “ Discovery.”
- [40] See Hore and Graves’s “ Social State of the South-Eastern Counties in the Sixteenth Century,” p. 27.
- [41] Sloane MS., 2,200, Brit. Mus.
- [42] Carew Calendar, iv., pp. 446-454.
- [43] See Prendergast’s “ Introduction to Cal. S. P. Ireland,” James I., 1606- 1608, pp. xx.-xxxv. A volume called “ The Council Book of Munster” survives in the Harleian Collection at the British Museum (Harl. Col., No. 697) ; but it only extends from 1601 to 1617. The “ Instructions for the Lord President and Council of Munster,” in 1616, have been printed in “ Desiderata Curiosa Hibernica,” vol. ii.
- [44] Fiant, Eliz., 1486. Irish Record Office.
- [45] “ The Description of Ireland in 1598,” ed. by Rev. Edmund Hogan s.j. p. 169.
- [46] Cal. of “ State Papers,” Ireland, 1603-6, p. 573.
- [47] Cal. of “ State Papers,” Ireland, 1606-8.
- [48] See 6th Report of the Deputy Keeper of Public Records of Ireland, p. 7, and Appendix III, pp. 33-38.

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